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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,388	02/05/2004	Jiansan Sun	70019152-1	6348

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EXAMINER

SOLOMON, LISA

ART UNIT PAPER NUMBER

2861

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,388

Applicant(s)

SUN ET AL.

Examiner

Lisa M. Solomon

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/05/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/16/2006.

Specification

2. The disclosure is objected to because of the following informalities: reference characters 114 is used to designate the resistive layer on page 11 line 18 instead of reference character 18 as in line 17 and the drawings. In addition, reference character 10 used to designate the substrate is missing in paragraph 41, page 13, and line 30.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The term "substantially" in claim 19 is a relative term, which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in

the art would not be reasonably apprised of the scope of the invention. The term uniformly thick is rendered indefinite by the term "substantially".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claim 14-17 and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Miller et al. (6,558,969).

8. In regards to claim 14, a method of manufacturing a heating element comprising: forming a conductive layer (see figs.3A or 3C, element 40) to define a first conductive trace (42A) and a second conductive trace (42B) over a substrate, the first conductive trace being separated from the second conductive trace by a spacer; and forming a resistive layer (see figs. 3A or 3C, element 30) on the conductive layer to cover the first conductive trace, the second conductive trace and the spacer, wherein the resistive layer at least partially electrically connects the first conductive trace and the second conductive trace [Column 6 lines 33-34; 44-49; 50-51, Column 7 lines 7-8].

9. In regards to claim 15, a method according to claim 14, wherein forming a conductive layer comprises: forming a conductive layer (40) on a substrate; removing a portion of the conductive layer to define the first conductive trace (42A), the second conductive trace (42B) and a void therebetween; filling the void with an electrically insulating material (44); and planarizing at least a surface of the electrically insulating

Art Unit: 2861

material (44) such that the surface is at least substantially coplanar with corresponding surfaces of the conductive traces [See fig. 3C and Column 6 lines 33-34; 50-60].

10. In regards to claim 16, a method according to claim 15, wherein the electrically insulating material is selected from a group of materials consisting of BPSG, PSG, TEOS, and silicon nitride [Column 6 line 53].

11. In regards to claim 17, a method according to claim 15, wherein planarizing comprises chemical mechanical polishing [Column 6 lines 59-60].

12. In regards to claim 19, a method according to claim 14, wherein the resistive layer is at least substantially uniformly thick [Column 7 line 7].

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (6,558,969).

15. In regards to claim 18, Miller et al. (969') discloses forming the conductive layer, removing the conductive layer to define conductive traces and a void, filling the void with insulating material, and planarizing the surface of the insulating material. Miller et al. (969') does not disclose reversing the order of formation as set forth in claim 18.

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the order of formation and doing so would yield the same product.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Solomon whose telephone number is (571) 272-1701. The examiner can normally be reached on 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David M. Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMS
1/26/06



David Gray
Primary Examiner